

1 A Yes.

2 Q -- with Dr. Wren?

3 A Yes, I did.

4 MR. ZAUNER: Your Honor, I withdraw my objection.
5 May I have some more voir dire on this paragraph?

6 JUDGE FRYSIK: Sure.

7 BY MR. ZAUNER:

8 Q You indicate further that Mr. Washington was able to
9 negotiate to pay the \$20,000 down payment in three
10 installments, one of \$10,000 and two of \$5,000. Was that at
11 this meeting that you were present at?

12 A Yes.

13 Q Later in that paragraph, you indicate that Mr.
14 Washington was not in favor of including Mr. Williams in the
15 purchasing group and the reasons therefore. What is the basis
16 of that statement? How do you know that Mr. Washington was
17 not in favor of including Mr. Williams in the purchasing
18 group?

19 A It was discussed with me because he felt that I had
20 been misled totally by Mr. Williams as another investor and he
21 never had his money.

22 Q Mr. Washington told you that?

23 A Yes.

24 Q Was this discussed in the meeting with Mr. Wren also
25 that --

1 A No. It was discussed with Mr. Williams. Mr.
2 Williams never had any money in the beginning as he stated he
3 had money and he never produced a partner.

4 JUDGE FRYSIAK: Well, how did you learn that Mr.
5 Williams didn't have any money -- did not have any money?

6 WITNESS: Because he told us he thought he was going
7 to get the money and he didn't get the money, so he didn't
8 have it. But he was still working on getting it.

9 JUDGE FRYSIAK: Did you request the money from Mr.
10 Williams?

11 WITNESS: Yes.

12 JUDGE FRYSIAK: Did you, yourself, request the
13 money?

14 WITNESS: Yes.

15 JUDGE FRYSIAK: So your objection is what?

16 MR. ZAUNER: I haven't -- I don't have an objection
17 pending on this voir dire, Your Honor. I'm trying to see
18 whether there is a basis for an objection. Your Honor, I have
19 no objection to that paragraph. Let me continue on to the
20 next paragraph, Page Four.

21 JUDGE FRYSIAK: Page Four?

22 MR. ZAUNER: Yes, Your Honor. Could we have one
23 moment, Your Honor?

24 JUDGE FRYSIAK: Sure.

25 COURT REPORTER: Mr. Kelly, you have highlighting on

1 this. This isn't your copy, is it?

2 MR. KELLY: Let me give you another copy.

3 MR. ZAUNER: Your Honor, the second sentence in the
4 paragraph beginning just above about the halfway mark, "For
5 this reason, the transfer documents do not in all respects
6 reflect Praise's understanding of the agreement between the
7 parties," I would move that that be stricken. The documents -
8 - the transfer documents speak for themselves and they will
9 reflect what they reflect.

10 JUDGE FRYSIK: The reference is to any lacking --
11 any lack in the documents.

12 MR. ZAUNER: "For this reason, the transfer
13 documents do not in all respects reflect Praise's
14 understanding of the agreement between the parties." The
15 documents themselves will speak for what they reflect and what
16 they don't reflect.

17 JUDGE FRYSIK: Well, that's true, but this is by
18 way of further information, saying that whatever state they
19 are in, they are in because the party was unrepresented by
20 counsel. I really don't understand the nature of your
21 objection. I know that the documents speak for themselves,
22 but the statement is not going to alter the documents. It's
23 simply indicating that as the documents were drawn, they were
24 drawn without representation of counsel. I mean, I don't find
25 anything objectionable about that.

1 MR. ZAUNER: With that understanding, I will
2 withdraw the objection, Your Honor. I would move to strike
3 the next sentence, "It appears that Praise and Wren and Jones
4 shared the belief that this transaction could be consummated
5 without prior Commission approval." What Wren and Jones
6 believed or didn't believe is not within the competency of
7 this witness. Moreover, Herbert Wren and Earl Jones were both
8 noticed by the Bureau as witnesses in this proceeding.

9 JUDGE FRYSIK: That's true. I'll give you a voir
10 dire. The words "it appears" casts some doubt as to the
11 probity of the sentence. But if those representations were
12 made to Mrs. Washington, I think that's admissible. You may
13 have a voir dire on that sentence.

14 MR. ZAUNER: Thank you, Your Honor. Mrs.
15 Washington, what's the basis of your sentence that, "It
16 appears that Praise and Wren and Jones shared the belief that
17 this transaction could be consummated without prior Commission
18 approval"?

19 WITNESS: It was based on what they said to me, that
20 we could go ahead and run the station or buy the station and
21 then after we paid them for the property, Ed Miller -- Judge
22 Miller would help us transfer the license. So I was under the
23 impression that we wouldn't have to contact the Commission
24 until after we had paid them for the property.

25 MR. ZAUNER: Your Honor, with that explanation, I'm

1 going to withdraw the objection.

2 MR. KELLY: Your Honor, I don't mean to interfere
3 with Counsel's objections, but the reference to Judge Miller -
4 - because obviously we all have a dear and near friend here.
5 Could I ask the witness, when you referred to Judge Miller,
6 who were you referring to and where was he from?

7 WITNESS: Judge Ed Miller and he's in Texarkana,
8 Arkansas.

9 JUDGE FRYSIK: One of the people noticed for cross
10 examination, yeah.

11 MR. KELLY: Thank you, Your Honor.

12 MR. ZAUNER: Your Honor, may I have some more voir
13 dire on this?

14 JUDGE FRYSIK: Sure.

15 VOIR DIRE

16 BY MR. ZAUNER:

17 Q Mrs. Washington, you say that Wren suggested that
18 Praise first purchase the station by making a down payment and
19 executing a note back to Wren and Jones for the balance of the
20 \$110,000 purchase price, et cetera. To whom did Mr. Wren make
21 that suggestion?

22 A I'm sorry?

23 Q Who did he suggest that to? Was it to you?

24 A Yes, about the down payment.

25 Q And when was that suggestion made?

1 A That we make that -- are you talking about the good
2 faith money or the initial --

3 Q Well, I'm talking about -- I'm talking about your
4 statement here that Wren suggested that Praise first purchase
5 the station, et cetera, and I'm wondering when did he make
6 that suggestion?

7 A He made that suggestion when we -- the second time
8 we met with him, Mr. Washington, myself, and Mr. Williams. He
9 suggested that we pay for the property and then put the
10 finances up for the license.

11 JUDGE FRYSIK: The financing being the note?

12 WITNESS: Use of property to -- his exact words
13 were, "It's going to cost you quite a bit of money to have the
14 license transferred," and I suggested -- as a matter of fact,
15 Dr. Wren and his attorney suggested this, that we pay the note
16 off, put the land up for a loan, and put it in the bank, and
17 then get an FCC attorney to transfer the license. There was
18 no indication that there was a problem or there would be a
19 problem.

20 MR. ZAUNER: Your Honor, the Bureau is going to
21 object on the grounds of hearsay from the beginning of the
22 sentence "Ms. Washington was informed by Wren" through, on the
23 next page, Footnote Two. The Bureau's objection would be that
24 this not be offered for the -- or received for the truth of
25 the matter asserted, but we don't object to it coming in for

1 state of mind.

2 JUDGE FRYSIAK: Beginning with what language, "Ms.
3 Washington was informed by Wren"?

4 MR. ZAUNER: Right.

5 JUDGE FRYSIAK: That's objectionable?

6 MR. ZAUNER: Well, the only -- we're only objecting
7 to it coming in for the truth of the matter asserted, that is
8 that the perspective assignee must demonstrate that it has
9 capital from committed resources sufficient to cover six
10 months' operating expenses, for example.

11 WITNESS: Could I speak?

12 JUDGE FRYSIAK: I beg your pardon?

13 WITNESS: Can I say something?

14 JUDGE FRYSIAK: You want to offer an explanation?

15 WITNESS: Yes.

16 MR. ZAUNER: Your Honor, I'm going to -- I'm going
17 to withdraw the objection. I think that it's clear what it
18 says on its face and I'm being hyper-technical and I'm going
19 to withdraw it.

20 JUDGE FRYSIAK: Okay?

21 WITNESS: Yes.

22 JUDGE FRYSIAK: You may continue, Mr. Zauner.

23 MR. ZAUNER: Your Honor, the last sentence on the
24 paragraph at the top of Page Five, "Throughout this
25 negotiation process, the principals of Praise were unaware

1 | that the prior transactions involving the station could
2 | constitute possible unauthorized transfers of the FCC
3 | license." This witness would only be competent to testify as
4 | to what she knew and she would not be in a position to testify
5 | as to what the other principals of Praise were aware of or
6 | unaware of.

7 | JUDGE FRYSIK: Well, it could have been a corporate
8 | resolution.

9 | MR. ZAUNER: Is there a corporate resolution? If
10 | there is, then we don't need this testimony because the best
11 | evidence would be the corporate resolution.

12 | JUDGE FRYSIK: But she can testify to it. You can
13 | have a voir dire. I mean, you're being technical, but you can
14 | have a voir dire. Mrs. Washington, when you say principals of
15 | Praise, who do you mean? What do you mean?

16 | WITNESS: I mean the people that were involved with
17 | Praise.

18 | JUDGE FRYSIK: Who are they?

19 | WITNESS: Well, actually, it was basically myself
20 | because Eugene really was the president of Praise, but he was
21 | never there. I made the decisions.

22 | JUDGE FRYSIK: And what office did you hold?

23 | WITNESS: I was general manager and basically
24 | president.

25 | JUDGE FRYSIK: Were you a director?

1 WITNESS: Of the company, yes.

2 MR. ZAUNER: Based upon that testimony, I would
3 suggest that we just change the words "the principals of
4 Praise" to "Ms. Washington was unaware." That would be more
5 accurate based upon --

6 JUDGE FRYSIK: The only other principal was your
7 husband.

8 WITNESS: Yes, but he --

9 JUDGE FRYSIK: Was he aware of -- I mean, how do
10 you know he wasn't aware of it?

11 WITNESS: Because he lived in Chicago and he was
12 never -- I made all the decisions and --

13 MR. KELLY: I would be happy by saying Ms.
14 Washington was unaware. It's not -- I think it will be more
15 accurate as to what -- because I don't think she could testify
16 as to what her husband knew or didn't know. So I'd be happy
17 to accede on that and say Ms. Washington.

18 JUDGE FRYSIK: In the sixth line on Page Five,
19 strike the words "The principals of Praise were" and
20 substitute "Ms. Washington was."

21 MR. ZAUNER: Your Honor, the Bureau has moved to
22 strike the last sentence on Page Five, "As described above,
23 the interest in KARW transferred by Wren and Jones can be
24 traced directly to Pine Tree and -- Pine Tree and Tuck," as
25 conclusory.

1 JUDGE FRYSIAK: Any comment?

2 MR. KELLY: No, Your Honor.

3 JUDGE FRYSIAK: All right. Strike the words as
4 requested.

5 MR. ZAUNER: And I would include in that the matter
6 in parenthesis which I didn't read, "and in the stock of Pine
7 Tree."

8 MR. KELLY: I'm going to put that in my conclusions
9 anyhow. Then I have to put it in my findings of fact.

10 JUDGE FRYSIAK: Over to Page Six.

11 MR. ZAUNER: Your Honor, the Bureau would move to
12 strike the last full sentence on Page Six, "Dr. Wren again
13 assured Mr. and Mrs. Washington that the license could be
14 transferred at the time Praise paid off its note to him, and
15 that Judge Miller (Wren's local attorney) could assist Praise
16 in transferring the license." May I have some voir dire on
17 that?

18 JUDGE FRYSIAK: Sure.

19 MR. ZAUNER: When was it that Dr. Wren assured you
20 that the license could be transferred at the time Praise paid
21 off its note to him?

22 WITNESS: The second visit. The second visit. When
23 we made the arrangements, we took him the first \$10,000 and I
24 was interested in the license and he explained to me -- we
25 went back to the six months' operating capital and that the

1 license would not be transferred to our name until after we
2 had paid off the note and Judge Miller would assist us.

3 MR. ZAUNER: Again, Your Honor, just for the record,
4 the Bureau is in a position where we've asked for Dr. Wren to
5 be presented and there's no way that we can corroborate or
6 contradict any of these statements that are being made as to
7 what Dr. Wren said or didn't say.

8 JUDGE FRYSIK: Nevertheless, I am overruling your
9 objection.

10 MR. ZAUNER: Your Honor, we would make the same
11 objection to the next sentence which ends at the top of Page
12 Seven.

13 JUDGE FRYSIK: You're talking about Mr. Jones?

14 MR. ZAUNER: "Dr. Wren also stated that Praise would
15 need an FCC attorney at that time and that the transfer
16 process would require \$10,000 and the aforementioned six
17 months' operating capital."

18 JUDGE FRYSIK: She had just testified to that, that
19 that was what was stated. So it's the same ruling. The
20 objection's overruled. It was part of the deal. Whatever
21 situation worked, it was all part of the deal that Ms.
22 Washington was led into.

23 MR. ZAUNER: Your Honor, the Bureau has no further
24 objections to Exhibit Two.

25 JUDGE FRYSIK: I will receive then Exhibit Two as

1 amended.

2 (Whereupon, the document referred to as
3 Praise Media Exhibit Number Two was
4 received into evidence as amended.)

5 MR. KELLY: Thank you, Your Honor.

6 BY MR. KELLY:

7 Q Ms. Washington, please turn to what we've marked for
8 identification as Praise Exhibit Number Three. I want to
9 direct your attention to the second paragraph on that exhibit.
10 There's a reference to Mr. Washington having given her power
11 of attorney due to his incarceration on drug charges in
12 Chicago and then there's a reference, Mr. Washington is being
13 formally removed as an officer and director. My question to
14 you is has that been accomplished?

15 A Yes.

16 Q And what papers were executed to do that?

17 A A Power of Attorney and a Quick Claim Title.

18 Q A Quick Claim Deed? Is that --

19 A A Quick Claim Deed.

20 Q And was the Quick Claim Deed recorded with any clerk
21 of the court or county recorder?

22 A It's filed in Gregg County.

23 Q That's spelled G-R-E-G-G?

24 A That's correct.

25 Q And that's in Texas?

1 A That's correct.

2 Q And that's where Longview's the county seat?

3 A That's correct.

4 Q Are there any other changes, ma'am, to Praise
5 Exhibit Number Three?

6 A Other than Dr. Wren has agreed to change the deed
7 into my name instead of Praise Media, Inc.

8 Q Now, what deed are you referring to?

9 A The deed to the property.

10 Q I see. That's the real estate where the radio
11 station is located?

12 A That's correct.

13 Q With that, there are no other changes?

14 A No other changes.

15 MR. KELLY: Your Honor, I request that this exhibit,
16 Praise Number Three, be admitted into evidence.

17 MR. ZAUNER: Your Honor, the Bureau would request
18 some voir dire.

19 JUDGE FRYSIK: Sure. Go ahead.

20 MR. ZAUNER: Ms. Washington, you say that Mr.
21 Williams never contributed under either option and he is no
22 longer considered a share holder of Praise Media. Do you --
23 does Praise Media maintain books and records of any type that
24 would indicate who the shareholders are or were?

25 WITNESS: We never issued stock certificates because

1 | there was never anyone that ever paid any monies besides
2 | myself and Eugene. So there was never any stocks issued.

3 | JUDGE FRYSIAK: How about subscriptions? Did
4 | anybody ever sign any papers?

5 | WITNESS: Papers such as?

6 | JUDGE FRYSIAK: That they're going to buy some
7 | stock.

8 | WITNESS: No. One of the reasons that we did not
9 | try any further to sell the stock was because all of this
10 | hearing matter came up. I do have people that had an interest
11 | in buying stock in the station, but I didn't push the issue
12 | because this needed to be cleared up.

13 | MR. ZAUNER: What is the basis for your statement
14 | that Mr. Williams never contributed under either option? Do
15 | you have any -- did you check any records to make that
16 | statement?

17 | WITNESS: Never contributed to -- well, actually Mr.
18 | Williams -- and I have to be very honest with you with that.
19 | Mr. Williams never put any monies into the station. He had
20 | funds directed to his home and to a post office box of his.
21 | He had a job during the day, so he showed up and left the
22 | station in care of other people.

23 | MR. ZAUNER: Well, my question -- Your Honor, I
24 | request to have that stricken as unresponsive. My question is
25 | what is the basis for your statement that Mr. Williams never

1 contributed any money?

2 WITNESS: Perhaps I don't understand --

3 MR. KELLY: I instruct the witness not to say
4 anything until she's directed to say something.

5 WITNESS: I don't understand the question then.

6 JUDGE FRYSIK: Strike the response as being
7 unresponsive. The question is, is whether you have in your
8 own knowledge any -- or any papers to show that Mr. Washington
9 (sic) never subscribed or paid any monies.

10 WITNESS: He never paid any.

11 JUDGE FRYSIK: He would have paid to you. Is that
12 it?

13 WITNESS: Right. Because he would have paid to the
14 corporation and he never -- what he was supposed to have done
15 was to work out a payment plan with us and he never paid -- he
16 never paid any monies.

17 MR. KELLY: Your Honor, was the witness's response
18 in relation to Ray Lee Williams or Eugene Washington? Because
19 I didn't understand her answer.

20 JUDGE FRYSIK: I thought we're talking about Mr.
21 Williams.

22 MR. ZAUNER: We're talking about Mr. Williams.

23 WITNESS: He never gave any money. He just never
24 gave any. I don't have anything to show you because he never
25 gave any money.

DIRECT EXAMINATION

BY MR. ZAUNER:

Q Would you know if Mr. Williams had made his contribution to Eugene?

A Oh, he -- definitely so. He would have given the monies to me and I would have given it to Eugene because Eugene was never there in Texas. Eugene spent time in Chicago and New York.

Q That last statement isn't exactly true, is it? I mean, you've testified that Mr. Washington -- Eugene Washington did come -- at least, is it twice? -- to Longview to negotiate with --

A Right. We have a six-year-old son and he does come to visit.

Q And isn't it also true he came to negotiate with Dr. Wren?

A Yes, he did.

Q And was Mr. Williams present at those negotiations?

A He was present at the signing of -- the signing of the contract. I would have been the person that Mr. Williams would have given the money to and then I would have relayed that information to Mr. Washington.

Q What was your title in Praise Media, Inc. at the time of these negotiations?

A I was treasurer -- secretary/treasurer.

1 Q Who was president?

2 A Eugene was president. Now, I acted as president
3 when he was not there.

4 MR. ZAUNER: Your Honor, no objection to the first
5 paragraph. Let me move on. You indicate that Mr. Washington
6 has given you a Power of Attorney due to his incarceration.
7 Is a copy of that Power of Attorney available?

8 MR. KELLY: You know, I think it is. Would Your
9 Honor give me a moment? Because I have seen it in these
10 files.

11 WITNESS: Mr. Washington had signed everything over
12 to --

13 MR. KELLY: I had my finger on it earlier this
14 morning. Your Honor, I'm going to show it to Counsel. That
15 is the only item I've seen in the files that were provided to
16 me that says Power of Attorney. So I have not thoroughly
17 reviewed it, but I'll let Counsel make of it what he will.
18 You can remove that staple if you want.

19 MR. ZAUNER: That's okay. Your Honor, just for the
20 record, I'd like the record to reflect that Counsel has
21 provided me with a copy of a Power of Attorney which bears
22 what purports to be the signature of Eugene R. Washington.
23 It's a three-page document and it's dated the 22nd day of July
24 1994. And with Your Honor's permission, I'd just like to read
25 into the record a pertinent portion of that document.

1 MR. KELLY: Can I look over your shoulder?

2 MR. ZAUNER: Of course.

3 JUDGE FRYSIK: Yes, go ahead. What did you say the
4 date was again?

5 MR. KELLY: July 22, 1994.

6 MR. ZAUNER: "I further specially authorize my
7 attorney, Janet Washington, to operate and conduct the
8 business of Praise Media, Inc. and KARW-AM radio station
9 situated in Longview, Gregg County, Texas with all the
10 authority to do and perform all and every act and thing
11 whatsoever requisite and necessary to be done in and about the
12 premises as fully to all intents and purposes as I might or
13 could do if personally present." With that --

14 MR. KELLY: Thank you, Your Honor.

15 MR. ZAUNER: You indicate, Ms. Washington, that Mr.
16 Washington has now been formally removed as an officer and
17 director, that that has in fact been effectuated. Are there
18 available copies of the documents effectuating that removal
19 available?

20 WITNESS: I have -- I filed those papers at the
21 county courthouse and I don't actually have copies of any --

22 JUDGE FRYSIK: What papers?

23 WITNESS: The deed of --

24 MR. ZAUNER: Quick Claim Deed?

25 WITNESS: Right. That's correct. And the Power of

1 Attorney removing him from all issues.

2 JUDGE FRYSIK: Are there any papers indicating that
3 Mr. Washington is no longer a member of Praise Media, Inc.?

4 WITNESS: Those papers have been prepared to send to
5 the Secretary of State and all of that. At this point, I'm
6 the only officer of Praise Media.

7 MR. ZAUNER: I have no further objections to Exhibit
8 Three.

9 JUDGE FRYSIK: All right. I'll receive Exhibit
10 Three as -- well, I guess there were no amendments. I'll
11 receive Exhibit Three.

12 (Whereupon, the document referred to as
13 Praise Media Exhibit Number Three was
14 received into evidence.)

15 MR. KELLY: Thank you, Your Honor. At this time,
16 I'd like to direct the witness's attention to what we've
17 marked for identification as Praise Exhibit Number Four. Do
18 you have that in front of you, Ms. Washington?

19 WITNESS: Yes, sir.

20 MR. KELLY: Thank you. Do you have any changes to
21 make with respect to this exhibit?

22 WITNESS: No, sir.

23 MR. KELLY: At this time, I would ask that what
24 we've marked for identification as Praise Number Four be
25 admitted into evidence.

1 JUDGE FRYSIK: Any objection, Mr. Zauner?

2 MR. ZAUNER: Yes, Your Honor. Page Two, the second
3 full sentence beginning four lines down, "Ms. Washington
4 believed that Mr. Williams would have some information
5 regarding American Plastics, but he also would not discuss the
6 matter with Ms. Washington because of her concerns with his
7 handling of the station's revenues."

8 Ms. Washington there is speculating as to the basis
9 for Mr. Williams unwillingness to discuss the matter with her
10 and she's incompetent to testify as to another individual's
11 motivations. Also, we have requested Mr. Williams as a
12 witness and he is not here that we can confirm or challenge
13 that.

14 JUDGE FRYSIK: I agree.

15 WITNESS: Those were his words to me.

16 JUDGE FRYSIK: I beg your pardon?

17 WITNESS: Those were his words to me, the reason he
18 was not willing to assist me.

19 JUDGE FRYSIK: I'll sustain the objection. Strike
20 those words.

21 MR. ZAUNER: The next sentence I object to is the
22 ones, skipping the next sentence, but "Mr. Washington was not
23 inclined to take the matter seriously until he spoke directly
24 with Mr. Shook and Ms. Washington in a conference call."
25 Again, she's talking about the state of mind of another

1 individual.

2 JUDGE FRYSIK: What matter is it you're talking
3 about?

4 WITNESS: It was the matter of the problem with the
5 license. Eugene was -- trusted Mr. Kirby and Dr. Wren and he
6 felt like that Dr. Wren and Mr. Miller -- Judge Miller would
7 handle everything as far as the license whereas I was working
8 with Mr. Shook, trying to get this information together.

9 I had requested that since Ray Lee Williams would
10 not cooperate with me, that he would possibly cooperate with
11 Eugene. So I was trying to get Eugene to find this
12 information out so I could comply with Mr. Shook's orders. I
13 mean, he just thought, well, Dr. Wren and Judge Miller has
14 already said that they would help us take care of this matter.

15 JUDGE FRYSIK: Mr. Washington, in all these
16 references, is Eugene Washington?

17 WITNESS: Yes.

18 MR. ZAUNER: Your Honor, the sentence in question
19 goes to Mr. Washington speaking with Mr. Shook and Ms.
20 Washington in a conference call. Once again, I don't find
21 that answer really responsive. I would have no objection to
22 reforming the sentence just to read that Mr. Washington spoke
23 directly with Mr. Shook and Ms. Washington in a conference
24 call. All I'm objecting to is that Ms. Washington is
25 testifying as to the state of mind of Mr. Washington.

1 WITNESS: Well, that was his comment and

2 Mr. --

3 MR. ZAUNER: There's no question pending, Your

4 Honor.

5 JUDGE FRYSIK: Okay, I'll sustain the objection and

6 strike the words "was not inclined to take the matter

7 seriously until he."

8 MR. ZAUNER: Your Honor, the sentence beginning with

9 the words "Mr. Washington thought" and running to the end of

10 that sentence, You Honor, I would object on the grounds, once

11 again, Ms. Washington is testifying as to the state of mind of

12 Mr. Washington.

13 JUDGE FRYSIK: All right. Same ruling. Strike the

14 sentence.

15 MR. ZAUNER: I have no further objections to Exhibit

16 Four.

17 JUDGE FRYSIK: I'll receive Exhibit Four as

18 amended.

19 (Whereupon, the document referred to as

20 Praise Media Exhibit Number Four was

21 received into evidence as amended.)

22 MR. KELLY: Thank you, Your Honor. Your Honor, I'd

23 like to turn the attention of Ms. Washington to what we've

24 marked for identification as Praise Exhibit Number Five. Do

25 you have any additions, corrections, or changes to this

1 exhibit?

2 WITNESS: No, sir.

3 MR. KELLY: At this time, I'd move that what we've
4 marked for identification as Praise Number Five be admitted
5 into evidence.

6 JUDGE FRYSIK: Any objections?

7 MR. ZAUNER: Your Honor, if I may have some voir
8 dire.

9 JUDGE FRYSIK: Yes, you may.

10 MR. ZAUNER: In the first paragraph, the middle
11 sentence beginning with the words "Following Praise's
12 purchase," what is the basis for that statement? And
13 specifically, what I would like to know is do you have
14 knowledge that each of these actions were paid for by Praise
15 Media?

16 WITNESS: Oh, yes, sir. We did pay for --

17 JUDGE FRYSIK: Could you explain what happened?

18 WITNESS: Dr. Wren had said to us and Mr. Williams
19 said there was some things that needed to be done to bring us
20 up into compliance with FCC. One of those things was to tear
21 a building down, a brick building that was on the side, to
22 have the tower painted, and they needed an EBS system, and we
23 needed to do those things. So we did those things right away.

24 JUDGE FRYSIK: Who's "we"?

25 WITNESS: Eugene and I.

1 JUDGE FRYSIAK: Were those things accomplished at
2 your direction?

3 WITNESS: Yes, sir.

4 MR. ZAUNER: Your Honor, the Bureau would move to
5 strike the second paragraph in Praise Exhibit Five beginning
6 with the words "to the cloud" and ending with "facilities
7 available" on Page Two. The statements made in these -- in
8 this -- I'm sorry, in these two paragraphs are no longer true.
9 My understanding is that Praise is no longer operating, that
10 it is off the air.

11 MR. KELLY: The statement was --

12 JUDGE FRYSIAK: I guess you're referring to the
13 words "Gospel is broadcast Monday." Is that what you're
14 saying?

15 MR. ZAUNER: "Programming targeted to Longview's
16 growing Hispanic community is broadcast (in Spanish) ... from
17 10 - 3 on Saturday. Public affairs programming includes
18 several church-services ..." There is no public affairs
19 program at the present time.

20 MR. KELLY: Your Honor, if I could be heard. I was
21 going to, as soon as I went through these exhibits, I was
22 going to beg your indulgence to get into a couple supplemental
23 matters before I rested our case. It was related to me by Mr.
24 Wilhelm this morning that you, on your own motion, had added
25 an issue to determine what the facts and circumstances were

1 for the -- for this station not notifying the Commission that
2 it had gone off the air.

3 In searching the files that were provided to me, I
4 found a letter which was addressed to the Commission, and I
5 will go through and identify for the witness, and I can pass
6 this out to Counsel and Your Honor. It fixes the date from
7 the station going off the air September 12, 1994.

8 So clearly, this exhibit relates the situation as it
9 existed until September 12, 1994 and then, as this letter
10 states -- and the witness can elaborate on it; I don't want to
11 testify for her -- the station went off the air September the
12 12th. I would certainly be pleased to amend this statement
13 that it reflects the situation as it was before the station
14 went off the air.

15 MR. ZAUNER: With that understanding, the Bureau
16 would not object.

17 JUDGE FRYSIK: Do you want to add a sentence then
18 to that paragraph saying the station went dark?

19 MR. KELLY: Yeah.

20 JUDGE FRYSIK: Following the words "other
21 programming," the second line on Page Two, add the words " The
22 station went dark September --

23 MR. ZAUNER: Could I request that we say the station
24 went silent? I think that the station went silent rather than
25 dark.